IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22641 of 2004

Between:

Rachamalla Laxmi, W/o R. Galaiah, Hindu,
D.No. 1-11-245/1, Shyam Lal Building Area, Begumpet,
Hyderabad/Secunderabad.

..... PETITIONER

AND

1 The Commissioner, Hyderabad Municipal Corporation, Hyderabad.
2 Addl. Commissioner, Town Planning Section, Hyderabad Municipal Corporation, Hyderabad.
3 Jawahar Goud,Hindu
D.No. 1-11-246, Shyamlal Building Area, Begumpet,
Hyderabad/Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, declaring the inaction of the Respondents 1 and 2 in considering the representation of the Petitioner dated 27-11-2004 as illegal, arbitrary, and contrary to the provisions of Municipal Rules and Regulations and consequently direct the Respondent 1 and 2 to conduct inquiry into the factum of illegal construction in D.No. 1-11-246, Shyam Lal Building Area, Begumpet, Hyderabad/Secunderabad and to demolish the illegal construction of the Respondent No.3.

Counsel for the Petitioner:GULLAPALLI RADHAKRISHNAN

Counsel for the Respondent Nos 1 and 2: SMT.G.JYOTHI KIRAN

The Court made the following :

ORDER:

The grievance of the petitioner is that though he made several representations earlier and also the recent representation dated 27.11.2004, bringing to the notice of the 2nd respondent that the third respondent is encroaching into his premises petitioner by making illegal constructions, yet no action is forthcoming from the respondents in this regard.

It is contended by the learned counsel appearing for the petitioner that the third respondent is going ahead with the said construction activity and he also submits that the said representation dated 27.11.2004 was also marked to the Chief City Planner, MCH, Hyderabad and also to the City Planner, MCH, Secunderabad.

Having heard the learned counsel on either side, even though the Chief City Planner, MCH, Hyderabad, and City Planner, Secunderabad, are not made party respondents, I deem it appropriate to direct them to consider the representation dated 27.11.2004 of the petitioner and take appropriate action, within one week from the date of receipt of a copy of this order, after hearing the third respondent.

With the above observations, the writ petition is disposed of. No order as to

costs.

8.11.2004

Note: CC by today.

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CVM

To

1 The Commissioner, Hyderabad Municipal Corporation, Hyderabad.
2 Addl. Commissioner, Town Planning Section, Hyderabad Municipal Corporation, Hyderabad.
3. The Chief City Planner, Town Planning Section, MCH, Hyderabad.

4. The City Planner, MCH, Secunderabad.

5. 2 CD copies.